

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:
INTEL CORP. MICROPROCESSOR
ANTITRUST LITIGATION

MDL Docket No. 05-1717-JJF

PHIL PAUL, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

INTEL CORPORATION,

Defendant.

Civil Action No. 05-485-JJF

CONSOLIDATED ACTION

NOTICE OF SUBPOENA

TO: Counsel of Record
(Per the Attached Service List)

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, on June 22, 2006, the attached subpoena was served on Microsoft Corporation c/o PTSGE Corp, 925 Fourth Avenue, Suite 2900, Seattle, Washington 98104 commanding it to produce for inspection and copying on July 24, 2006 the documents identified in Schedule A appended thereto.

Dated: June 23, 2006

PRICKETT, JONES & ELLIOTT, P.A.

/s/ James L. Holzman

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
WESTERN DISTRICT OF WASHINGTON

SUBPOENA IN A CIVIL CASE

In Re Intel Corp. Microprocessors
 Antitrust Litig.;

Phil Paul, et al.

v.

Intel Corp.

CASE NUMBER: ¹ 05-485-JJF

MDL Docket No. 1717 JJF

United States District Court, District of
 Delaware

To: Microsoft Corporation
 c/o PTSGE Corp
 925 Fourth Avenue, Suite 2900
 Seattle, Washington 98104

- ☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Schedule A

PLACE Keller Rohrback P.L.C. 1201 Third Avenue, Suite 3200 Seattle, WA 98101	DATE AND TIME July 24, 2006 5:00 P.M.
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
<i>Michael D. Hausfeld</i> (Attorney for Plaintiff)	JUNE 22, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 Michael Hausfeld (202) 408-4600
 Cohen, Milstein, Hausfeld & Toll P.L.L.C.
 1100 New York Avenue, NW, West Tower, Suite 500, Washington, D.C. 20005

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

Schedule A

MICROSOFT CORPORATION

Definitions

1. For purposes of this document request, "DOCUMENT" includes, without limitation, any hard copy writings and documents as well as electronically stored data-files including email, instant messaging, shared network files, and databases created, accessed, modified or dated on or after January 1, 2000.
2. With respect to electronically stored data, "DOCUMENT" also includes, without limitation, any data on magnetic or optical storage media (*e.g.*, servers, storage area networks, hard drives, backup tapes, CDs, DVDs, thumb/flash drives, floppy disks, or any other type of portable storage device, etc.) stored as an "active" or backup file, in its native format.
3. For purposes of this document request, "MICROPROCESSOR" means general purpose microprocessors using the x86 instruction set (*e.g.*, Sempron, Athlon, Turion, Opteron, Celeron, Pentium, Core, Core Duo and Xeon).
4. For purposes of this document request, "FINANCIAL INDUCEMENT" means any payment, subsidy, rebate, discount (on MICROPROCESSORS or on any other INTEL product), Intel Inside funds, E-CAP (exceptions to corporate approved pricing), Market Development Funds ("MDF"), "meeting competition" or "meet comp" payments, "depo" payments, program monies, or any advertising or pricing support.
5. For purposes of this document request, "COMPANY" refers to MICROSOFT and any of its controlled present or former subsidiaries, parents, and predecessor or successor companies.
6. "INTEL" refers to Intel Corporation, Intel Kabushiki Kaisha, and any of their present or former subsidiaries, affiliates, parents, assigns, predecessor or successor companies and divisions thereof.
7. "AMD" refers to Advanced Micro Devices, Inc., AMD International Sales and Service Ltd., and any of their present or former subsidiaries, affiliates, parents, assigns, predecessor or successor companies and divisions thereof.
8. "SKU" means stock keeping unit.
9. For purposes of this request, "COMPUTER SYSTEM" means any product that utilizes a MICROPROCESSOR including, without limitation, desktop computers, notebook computers, and workstations.
10. "AMD-SPECIFIC MICROPROCESSOR DESIGN FEATURE" means any feature of an AMD microprocessor that is not also available in an Intel microprocessor.

11. "INTEL-SPECIFIC MICROPROCESSOR DESIGN FEATURE" means any feature of an Intel microprocessor that is not also available in an AMD microprocessor.

Instructions

1. The time period, unless otherwise specified, covered by each request set forth below is from January 1, 2000 up to and including the present.
2. In responding to each request set forth below, please set forth each request in full before each response.
3. If any DOCUMENT covered by these requests is withheld by reason of a claim of privilege, please furnish a list at the time the DOCUMENTS are produced identifying any such DOCUMENT for which the privilege is claimed, together with the following information with respect to any such DOCUMENT withheld: author; recipient; sender; indicated or blind copies; date; general subject matter; basis upon which privilege is claimed and the paragraph of these requests to which such DOCUMENT relates. For each DOCUMENT withheld under a claim that it constitutes or contains attorney work product, also state whether your COMPANY asserts that the DOCUMENT was prepared in anticipation of litigation or for trial.
4. If your COMPANY objects to a request in part, please state specifically which part of the request your COMPANY objects to and produce all DOCUMENTS responsive to all other parts of the request.
5. With respect to any DOCUMENT maintained or stored electronically, please harvest it in a manner that maintains the integrity and readability of all data, including all metadata.
6. Please produce all DOCUMENTS maintained or stored electronically in native, electronic format with all relevant metadata intact and in an appropriate and useable manner (e.g., by copying such data onto a USB 2.0 external hard drive). Encrypted or password-protected DOCUMENTS should be produced in a form permitting them to be reviewed.
7. In connection with your production of DOCUMENTS, please produce any relevant data dictionaries, data translations, lookup tables, and/or any other documentation designed to facilitate use of the data contained within the DOCUMENTS produced.
8. Please organize electronic DOCUMENTS produced for inspection in the same manner that the COMPANY stores them (e.g., if maintained by a custodian, such as email residing on an email server, please organize DOCUMENTS for production by custodian; if maintained in a subfolder of "My Documents" on a custodian's hard drive, please organize DOCUMENTS for production by custodian with path information preserved, etc.).
9. To the extent responsive DOCUMENTS reside on databases and other such systems and files, your COMPANY shall either produce the relevant database in useable form and/or shall permit access for inspection, review, and extraction of responsive information.

10. At your COMPANY's election, DOCUMENTS maintained or stored in paper, hard-copy form can be produced as searchable .PDF (i.e., portable document format files with embedded text) and in an appropriate and useable manner (e.g., by copying such data onto a USB 2.0 external hard drive).

DOCUMENT REQUESTS

1. All DOCUMENTS that Intel and/or AMD have requested in connection with the *In re Intel Corporation Microprocessor Antitrust Litigation*, MDL No. 05-1717-JJF; *Paul v. Intel*, Civil Action No. 05-485-JJF; and *AMD v. Intel*, Civil Action No. 05-441-JJF.

2. All DOCUMENTS constituting or reflecting analyses, summaries, reports, benchmarks, studies, or other writings prepared comparing COMPUTER SYSTEMS with INTEL and AMD MICROPROCESSORS, whether from a quality, performance, technical, or other standpoint, in connection with running software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY, or to be developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY.

3. All DOCUMENTS constituting, reflecting, or discussing the design, development, or implementation of performance enhancements or optimizations in the software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY for use solely with COMPUTER SYSTEMS containing INTEL MICROPROCESSORS.

4. All DOCUMENTS reflecting or discussing the restriction of performance enhancements or optimizations in the software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY to COMPUTER SYSTEMS containing INTEL MICROPROCESSORS.

5. All DOCUMENTS reflecting or discussing the actual or anticipated repercussions to COMPANY of restricting (or not restricting) performance enhancements or optimizations in the software developed, distributed, advertised, promoted, marketed and/or sold by COMPANY to COMPUTER SYSTEMS containing INTEL MICROPROCESSORS.

6. All DOCUMENTS constituting, reflecting, or discussing agreements between COMPANY and INTEL concerning the development, distribution, advertisement, promotion, marketing and/or sale of software suitable for use with COMPUTER SYSTEMS containing MICROPROCESSORS.

7. All DOCUMENTS reflecting or discussing the effect or impact of any INTEL compiler on the performance or use of software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY when used with COMPUTER SYSTEM containing INTEL or AMD MICROPROCESSORS.

8. All DOCUMENTS reflecting or discussing any effort by COMPANY to make modifications or changes to software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY to ensure that it performs similarly when used with COMPUTER SYSTEMS containing AMD or INTEL MICROPROCESSORS.

9. All DOCUMENTS constituting, reflecting, or discussing any FINANCIAL INDUCEMENT offered by INTEL to COMPANY in connection with software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY, or to be developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY.
10. All DOCUMENTS constituting, reflecting, or discussing any non-financial inducement or non-cash benefit, perquisite or other consideration offered by INTEL to COMPANY in connection with software developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY, or to be developed, distributed, advertised, promoted, marketed, and/or sold by COMPANY.
11. All DOCUMENTS constituting, reflecting, or discussing COMPANY's actual or perceived collaboration with, and/or support, advertisement, or promotion of, or any internal communications within COMPANY or external communications with AMD or INTEL concerning COMPANY's actual or perceived collaboration with, and/or support, advertisement, or promotion of, AMD, AMD MICROPROCESSORS, and/or COMPUTER SYSTEMS containing AMD MICROPROCESSORS (including but not limited to INTEL's reaction to, or opinion concerning the same).
12. All DOCUMENTS constituting, reflecting, or discussing COMPANY's participation or support of, or any internal communications within COMPANY or external communication with AMD or INTEL concerning COMPANY's participation or support of, any AMD product at any trade show, product launch, conference, or industry meeting or in any press release, benchmark publication, website posting, or other promotional activity (including but not limited to INTEL's reaction to, or opinion concerning the same).
13. All DOCUMENTS constituting, reflecting, or discussing COMPANY's decision to adopt and/or support (or not adopt and/or support) AMD's 64-bit instruction set.
14. All DOCUMENTS constituting, reflecting or discussing COMPANY's decision to develop, distribute, advertise, promote, market, and/or sell (or to not develop, distribute, advertise, promote, market, and/or sell) any software using AMD's 64-bit instruction set.
15. All DOCUMENTS constituting, reflecting, or discussing COMPANY's schedule (or changes to COMPANY's schedule) for releasing any software using AMD's 64-bit instruction set.
16. All DOCUMENTS relating to differences in the level or quality of support in any of your COMPANY'S compilers for AMD-SPECIFIC MICROPROCESSOR DESIGN FEATURES as compared to INTEL-SPECIFIC MICROPROCESSOR DESIGN FEATURES, including, but not limited to, any reason for any such difference.
17. All DOCUMENTS relating to differences in the number or quality of optimizations in any of your COMPANY'S compilers for AMD-SPECIFIC MICROPROCESSOR DESIGN FEATURES as compared to INTEL-SPECIFIC MICROPROCESSOR DESIGN FEATURES, including, but not limited to, any reason for any such difference.

18. DOCUMENTS sufficient to show differences in the level of investment your COMPANY has made to support your COMPANY'S compilers with AMD-SPECIFIC MICROPROCESSOR DESIGN FEATURES as compared to INTEL-SPECIFIC MICROPROCESSOR DESIGN FEATURES, including, but not limited to, any reason for any such difference.

19. All DOCUMENTS relating to or reflecting any agreement between your COMPANY and INTEL to develop software that employs, supports, or is optimized for any INTEL-SPECIFIC MICROPROCESSOR DESIGN FEATURE.

20. All DOCUMENTS relating to or reflecting any decision to use any switch, setting, code path or other microprocessor-specific feature in your compilers that distinguishes between Intel and AMD microprocessors.

21. DOCUMENTS sufficient to show the market share of any of your COMPANY'S compilers during each year from January 1, 2000 through the present.

22. All DOCUMENTS constituting, reflecting or discussing communications with AMD or Intel concerning the above-captioned matter, *AMD v. Intel*, Civil Action No. 05-441 (D. Del.), or any of the allegations about you in AMD's Complaint in that matter, or any other litigation involving AMD and INTEL, or any investigation relating to INTEL by the Fair Trade Commission of Japan or the European Commission.

23. All DOCUMENTS sufficient to show the steps taken by your COMPANY to preserve DOCUMENTS with respect to this litigation or related litigation or proceeding including, without limitation, all DOCUMENTS that constitute, reflect or discuss your COMPANY'S DOCUMENT retention policy or policies from January 1, 2000 to the present.

**IN THE UNITED STATES DISTRICT COURT
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IN RE:
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ANTITRUST LITIGATION

MDL Docket No. 05-1717-JJF

PHIL PAUL, on behalf of himself and all
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Dated: June 23, 2006

PRICKETT, JONES & ELLIOTT, P.A.

/s/ James L. Holzman

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CERTIFICATE OF SERVICE

I, James L. Holzman, hereby certify that on this 23rd day of June, 2006, I caused the foregoing Notice of Subpoena to be served on the following counsel via electronic filing:

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/s/ James L. Holzman
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